

**RECORD OF PROCEEDINGS
OF THE GOVERNING BODY
CITY OF GARDNER, KANSAS**

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May 1, 2006

The City Council of the City of Gardner, Kansas, met in regular session on Monday, May 1, 2006, at 7:00 p.m. in the Council Chambers at Gardner City Hall, 120 East Main Street, Gardner, Kansas, with the Honorable Mayor, Carol Lehman presiding. Present were Councilmembers Weisenburger, Breen, Peters, Drovetta and Raney with none being absent. City Staff present were City Administrator Fairburn, Assistant Administrator Mundt, Finance Director Gourley, Public Works Director Greene, Public Safety Director Francis, HR Director/City Clerk Scott, Parks and Recreation Director Stewart, Community Development Director Sherman, and City Attorney Hubbard. Others present included Mark Taylor, Ed and Janice James, Vanessa McCann, Vernon Knabe, Joyce O'Connor, George Brown, Joel Riggs, and David Francq.

CALL TO ORDER

There being a quorum of Councilmembers present, the meeting was called to order by Mayor Lehman at 7:00 p.m.

PLEDGE OF ALLEGIANCE

Councilmember Drovetta led those in attendance in the pledge of allegiance.

'ABOVE AND BEYOND' AWARD

Councilmembers joined with the Mayor in recognizing the City of Gardner's Public Safety Department for receiving the Kansas Committee for Employer Support of the Guard and Reserve's "Above and Beyond" Award for 2006.

NATIONAL POLICE WEEK

Councilmembers joined with the Mayor in proclaiming the week of May 14 through 20, 2006 as National Police Week and May 15, 2006 as Peace Officer's Memorial Day.

SERVICE AWARD

Councilmembers joined with the Mayor in recognizing Tige Dean for five (5) years of service to the City of Gardner and postponed presentation of his plaque and award until he can be in attendance.

CONSENT AGENDA

Councilmember Peters made a motion to approve the following items listed on the consent agenda:

1. Standing approval of the minutes as written for the regular meeting on April 17, 2006.
2. Standing approval of the expenditures prepared on April 7, 13 and 20, 2006 in the amount of \$3,441,523.08.
3. Consider the re-appointments of Director No. 2 and the alternate Member to represent the City of Gardner on the Kansas Municipal Energy Agency Board of Directors.
4. Consider Re-Appointments to the Planning Commission.
5. Consider the Acceptance of Easements and Rights-of-Way for the Final Plat of Quail Meadows; FP-06-04.
6. Consider appointing Department of Public Safety Sgt. Steve Benz to serve on the Drug and Alcohol Council.
7. Consider authorizing the execution of a work order for Capital Electric/USII to install the underground electric distribution system for the Madison Reserve subdivision.
8. Consider authorizing the execution of a work order for Capital Electric/USII to install the underground electric distribution system for the Symphony Farms I subdivision.
9. Consider authorizing the execution of a work order for Capital Electric/USII to install the underground electric distribution system for the Genesis Creek III subdivision.
10. Consider authorizing the execution of a work order for Capital Electric/USII to install the underground electric distribution system for the Megan Valley subdivision.

11. Consider authorizing the City Administrator to execute Change Order Number 5 (Final) to the construction contract with O'Donnell and Sons Construction Company, Inc. for the North Center Street Improvement.

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CONSENT AGENDA (continued)

Councilmember Drovetta seconded the motion.

All of the members voting in favor of the motion,
the motion carried.

PROPERTY REZONINGS

Councilmembers considered Planning Commission recommendations regarding three rezoning requests submitted for the 190 acre McCann property.

Z-06-02

The Planning Commission forwarded the rezoning application for approximately 16.25 acres of the McCann Property from A (Agricultural District), to RP-1 (Single Family Residential District) and RP-3 (Planned Garden Apartment District), to the Council with a recommendation based on the provisions of the lesser change table, to approve a rezoning the entire 16.25 acres to R-1, Single Family Residential District with no stipulations, with the consensus of the Planning Commission being that the request and development plans did not merit the need for planned zoning districts.

Councilmember Drovetta made a motion to pass an ordinance approving Z-06-02, providing for rezoning approximately 16.25 acres of property located on the east side of Waverly Road, ¼ mile south of 167th Street, from A (Agricultural District) to R-1, Single Family Residential District, with no stipulations. Councilmember Breen seconded the motion.

On a roll call the vote was: Drovetta, yes; Breen, yes; Raney, yes; Peters, yes; and Weisenburger, yes. All of the members voting in favor of the motion, the ordinance was passed and assigned No. 2193.

Z-06-03

The Planning Commission forwarded the rezoning application for approximately 47.64 acres of the McCann Property south from A (Agricultural District), to CP-2 (Planned General Commercial District) and RP-3 (Planned Garden Apartment District), to the Council with a recommendation to deny the request for the entire 47.64 acres, with the consensus of the Planning Commission that the proposed rezoning and development plan were not appropriate at this time.

Councilmember Drovetta made a motion to deny a rezoning request, Z-06-03, to rezone approximately 47.64 acres of property located east of Waverly Road on the north and south sides of 167th Street from A (Agricultural District) to CP-2 (Planned General Commercial District) and RP-3 (Planned Garden Apartment District). Councilmember Peters seconded the motion.

Councilmembers Breen, Peters, Drovetta, and Raney voted yes. Councilmember Weisenburger voted no. A majority of the members voting in favor of the motion, the motion carried.

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PROPERTY REZONINGS (Continued)

Z-06-04

The Planning Commission forwarded the rezoning application for approximately 124 acres of the McCann Property from A (Agricultural District), to RP-1 (Planned Single Family District) and RP-3 (Planned Garden Apartment District), to the Council with a recommendation to approve the rezonings subject to certain stipulations.

Councilmember Drovetta made a motion to pass an ordinance approving Z-06-04 providing for the rezoning of approximately 124 acres of property located on the east side of Waverly Road, north of 167th Street, from A (Agricultural District) to RP-1 (Planned Single Family District) and RP-3 (Planned Garden Apartment District), subject to both the included stipulations and the added stipulations that the homeowners association covenants and restrictions regarding maintenance of the private streets and subdivision landscaping be submitted along with the final development plan to the Council for approval. Councilmember Weisenburger seconded the motion.

On a roll call the vote was: Drovetta, yes; Weisenburger, yes; Breen, yes; Peters, yes; and Raney, no. A majority of the members voting in favor of the motion, the ordinance was passed and assigned 2194.

PROPERTY ANNEXATION – CELEBRATION PARK

Councilmember Weisenburger made a motion to pass an ordinance providing for the annexation of approximately 43.9 acres of land located on the south side of West 159th Street, one-half mile east of Four Corners Road into the City limits of the City of Gardner (Celebration Park). Councilmember Drovetta seconded the motion.

On a roll call the vote was: Weisenburger, yes; Drovetta, yes; Raney, yes; Breen, yes; and Peters, yes. All of the members voting in favor of the motion, the ordinance was passed and assigned 2195.

2006 STREET REHABILITATION PROGRAM

Councilmember Raney made a motion to authorize the City Administrator to execute a contract with McAnany Construction, Inc. in the amount of \$214,648.00 for the 2006 Rehabilitation Program. Councilmember Breen seconded the motion.

All of the members voting in favor of the motion, the motion carried.

2006 CONCRETE REPAIR AND REPLACEMENT PROGRAM

Councilmember Raney made a motion to authorize the City Administrator to execute a contract with Holiday Contracting, Inc. in the amount of \$114,040.00 for the 2006 Concrete Repair and Replacement Program. Councilmember Breen seconded the motion.

All of the members voting in favor of the motion, the motion carried.

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VETERAN'S PARK TRAILS

Councilmembers discussed approving a contract to replace the asphalt trails at Veteran's Park. Councilmember Raney stated his opposition.

Councilmember Peters made a motion to authorize the City Administrator to execute a contract with All Pro Paving in the amount of \$61,877.22 for the replacement of trails in Veteran's Park. Councilmember Drovetta seconded the motion.

Councilmembers Breen and Drovetta voted yes. Councilmembers Weisenburger, Peters, and Raney voted no. A majority of the members voting in opposition to the motion, the motion failed.

There being no further business to come before the Council, on a motion duly made and seconded, the meeting adjourned at 9:38 p.m.

Gwen Scott, HR Director / City Clerk